

**Individual Practices of
Magistrate Judge Arlene R. Lindsay
Long Island Federal Courthouse
814 Federal Plaza
Central Islip, New York 11722-4451
Telephone: (631) 712-5730**

**Contact: Criminal Matters: Bryan Morabito at (631) 712-5734
Civil Matters: Law Clerks at (631) 712-5730**

Unless otherwise ordered by the judge in a specific case, matters before Judge Lindsay shall be conducted in accordance with the following practices:

1. *Communications with Chambers*

A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel and with service on all parties indicated on the letter. Copies of correspondence between counsel shall not be sent to the Court. Letters are not to exceed three (3) pages in length.

B. *Telephone Calls.* Telephone calls to chambers are permitted. Call Bryan Morabito, Magistrate Clerical, for questions on criminal cases or to schedule criminal matters. For all other questions call (631) 712-5730.

C. *Faxes.* **Faxes to chambers are not permitted** unless prior authorization is obtained. When an authorized fax has been sent, **do not also send a copy by mail.** Papers faxed to chambers must also be faxed to all other parties.

D. *Requests for Adjournments or Extensions of Time.* All requests for adjournments or extensions of time shall be made **at least 48 hours prior** to the scheduled appearance or deadline, absent an emergency. Such letter applications must state the reason for the adjournment or extension, whether all parties consent and, where appropriate, a proposed amended pre-trial scheduling order or an indication of when the parties are available.

2. *Motions*

A. *Discovery or Other Non-Dispositive Motions.*

1. Discovery or other non-dispositive motions may be made pursuant to Local Rule 37.3. A letter motion, not exceeding three (3) pages in length, may be submitted and should succinctly describe the discovery problem and the relief sought. A letter opposing the motion, not exceeding three (3) pages in length, may be submitted within three (3) business days of receipt of the letter motion.

Replies are not permitted absent permission from the Court. The parties are advised that they must attempt to resolve disputes by conferring in good faith with their adversary. The Court interprets good faith to be in-person contact either by telephone or in person.

2. Although parties are encouraged, when possible, to make discovery and other non-dispositive motions pursuant to Local Rule 37.3, discovery motions and other non-dispositive motions may be made on notice pursuant to Local Civil Rule 6.1. For all discovery and other non-dispositive motions, on notice, a pre-motion conference with the Court is required before the filing of any motion. To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. A response, which may not exceed three (3) pages in length, must be submitted within three (3) business days. Replies are not permitted absent permission of the Court. This paragraph does not apply to summary judgment motions (see Subsection D below).

B. *Dispositive Motions.* Dispositive motions must be made to the presiding District Judge in accordance with his or her individual rules unless the parties have consented to Magistrate Judge Lindsay's jurisdiction for all purpose.

C. *General Motion Practices.*

1. Service and Filing: Unless otherwise ordered by the court, motion papers shall be filed in accordance with Local Rule 6.1. Absent extraordinary circumstances no extensions will be granted.

2. Memorandum of Law: Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 20 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

3. Courtesy copies of all motion papers to be decided by Magistrate Judge Lindsay shall be provided to the Court upon filing of the motion, opposition, and reply briefs. Do not provide Magistrate Judge Lindsay with courtesy copies of dispositive motions made to the presiding District Judge.

4. A statement must be included on the cover of the moving, opposition, or reply papers as to whether oral argument is requested. If any party requests oral argument, the Court will notify the parties as to the date and time of such argument.

5. Should the non-movant seek to make a cross-motion, the cross-motion must follow the same procedures utilized for making the motion.

6. Motions not in conformity with these individual practices will be returned.

D. Motions for Summary Judgment in Cases Before Magistrate Judge Lindsay for All Purposes.

1. Any party wishing to make a motion for summary judgment must first serve upon all parties a statement pursuant to Local Civil Rule 56.1 ("Rule 56.1") setting forth those items about which there is no material issue of fact. Each statement of material fact must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure. All parties receiving such a Rule 56.1 statement and wishing to oppose the motion must serve on the movant, within seven (7) business days of receiving the movant's Rule 56.1 statement, an original and two copies of a counter-statement pursuant to Rule 56.1 setting forth those items about which there exists a genuine issue of material fact. Again, a statement of material fact must be followed by a citation to evidence which would be admissible, as set forth and required by Rule 56(e) of the Federal Rules of Civil Procedure.

2. After receiving the counter-statement pursuant to Rule 56, should the movant still wish to move for summary judgment, the movant is directed to write to the Court and request a pre-motion conference. In no more than two (2) pages, the letter should briefly state the basis for the anticipated motion. The letter shall also contain a copy of the Rule 56.1 statement and the non-movant's counter-statement. The pre-motion conference date will be set by the Court.

3. Adherence to Rule 56.1 is required. A pre-motion conference will not be held until such time that the parties are in compliance with Rule 56.1.

4. At the pre-motion conference, if the movant decides to make a motion for summary judgment, a briefing schedule will be established by the Court in accordance with the General Motion Practices stated above.

F. Motions for Admission Pro Hac Vice.

A motion for admission pro hac vice, together with a proposed Order admitting the

attorney pro hac vice, shall be served and filed at least seven (7) business days prior to the return date designated in the notice of motion. Although there is no need to file a memorandum of law, this motion must comply with the Rules of the Eastern District of New York for admission pro hac vice. These motions shall be on submission. Should any party object to the motion, opposition papers must be served and filed at least two (2) business days prior to the return date. No reply papers are permitted.

3. *Pretrial Procedures in cases before Magistrate Judge Lindsay for all Purposes.*

A. *Joint Pretrial Orders.* On or before the date set forth in the Scheduling Order, the parties shall submit to the Court for its approval a joint pretrial order, which shall include the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- vii. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good

cause shown.

viii. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

ix. A list by each party of exhibits to be offered in its case in chief. Any party objecting to an exhibit must list their objection and the grounds.

B. *Filings Prior to Trial in Civil Cases*. Unless otherwise ordered by the Court, each party shall file 15 days before the date of commencement of trial:

i. In jury cases, requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in IBM WordPerfect 10 format;

ii. By claim, a proposed verdict sheet;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element;

iv. Motions in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.